

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CUSTOMERS BANK,

Plaintiff,

v.

OPTIX PARTNERS, LLC,

Defendant.

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CIVIL ACTION

NO. 20-4262

ORDER

AND NOW, this 5th day of November 2021, upon consideration of Plaintiff Customers Bank's Motion for Summary Judgment (ECF No. 32), Defendant's Response in Opposition and Cross Motion for Sanctions (ECF No. 36), and Plaintiff's Reply to the Response (ECF No. 38), **IT IS HEREBY ORDERED AND DECREED** that:

1. Plaintiff's Motion for Summary Judgment is **DENIED**.
2. Defendant's Cross Motion for Sanctions in the form of attorney's fees for Response in Opposition preparation is **DENIED**.¹

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, U.S.D.J.

¹ This Order accompanies the Court's Memorandum Opinion dated November 5th, 2021.